IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2542 of 2005

Between:

Nagalakshmi, W/o. Siva Reddy, Hindu,
Kandlapalli (V), Pamidi Mandal, Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector, Ananthapur District, Ananthapur.
2 The Revenue Divisional Officer, Ananthapur District,

Ananthapur .
3 The Mandal Revenue Officer, Pamidi Mandal, Ananthapur

District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.2 and 3 in issuing the proceedings in D.Dis.D1/CS/5/05, dated 15-01-2005 of the 2nd respondent terminating the petitioner's Fair Price Shop authorization in Kandlapalli Village, Pamidi Mandal, Ananthapur District is violation of principles of natural justice, illegal, arbitrary and Un-Constitutional consequently direct the respondents to continue the petitioner as Fair Price Shop Dealer in Kandlapalli Village, Pamidi Mandal, Ananthpur District.

Counsel for the Petitioner: MR.K.V.SUBBA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The authorization of the petitioner as fair price shop dealer of Kandlapalli Village, Pamidi Mandal, Ananthapur District was terminated by the 2nd respondent, though orders dated 15.01.2005. Aggrieved thereby, the petitioner filed an appeal before the 1st respondent, together with an application for grant of stay. The grievance of the petitioner is that the order of termination cannot be sustained, inasmuch as he has not received any notice and that the appellate authority has not passed any order on the application for grant of stay. He contends that on account of the inaction on the part of the first respondent, steps are being taken to entrust the supply of essential commodities to other dealers.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Under Clause 5(4) of A.P.State Public Distribution System Control Order, 2001 (for short 'the Control Order'), an authorization can be terminated only after a notice is issued to the dealer. The said clause does not make any distinction between a permanent and a temporary dealer. Therefore, the order, dated 15.01.2005 is, prima facie, violative of principles of natural justice as well as Clause 5(4) of the Control Order. The petitioner availed the remedy of appeal under the Control Order. The appellate authority is conferred with the power to grant interim orders. If the disposal of the stay application is delayed, the very purpose of filing an appeal would be defeated.

Hence, the writ petition is disposed of, directing that the order of termination, dated 15.01.2005 passed against the petitioner shall stand stayed, till the first respondent disposes of the appeal preferred by the petitioner. There shall be no order as to costs.

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15.02.2005

Note: Issue C.C. in two days.

(B/o)

Jsu

To

1 The Joint Collector, Ananthapur District, Ananthapur.
2 The Revenue Divisional Officer, Ananthapur District,

Ananthapur .
3 The Mandal Revenue Officer, Pamidi Mandal, Ananthapur

District.

4 2 CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

5 2 CD copies